

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS

v.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL.

MOTION FOR ADMISSIONS #2

DATE: 1/22/07

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

- 1.) DR. S. FOSTER, DO YOU ADMIT THAT THE NEW CASTLE COUNTY SUPERIOR COURT UTILIZED, YOUR JUNE 10, 04 REPORT TO SENTENCE THE PLAINTIFF TO INCARCERATION AT THE DELAWARE DEPARTMENT OF CORRECTIONS.
- 2.) DR. S. FOSTER, DO YOU ADMIT THAT THE NEW CASTLE COUNTY SUPERIOR COURT JUDGE PEGGY L. ABLEMAN UTILIZED YOUR JUNE 10, 04 REPORT TO DENY THE PLAINTIFF A NEW TRIAL.
- 3.) DR. S. FOSTER, DO YOU ADMIT THAT BECAUSE YOU NOTED ON 5/21/04; THAT PSYCHIATRIST DR. JOSHI NOTED, (LESS THAN 12 HOURS - AFTER THE PLAINTIFF'S ARREST), THAT THE PLAINTIFF WAS PSYCHOTIC AND DELUSSIONAL; THAT SAID PSYCHOLOGICAL ASSESSMENT OF THE PLAINTIFF'S STATE OF MIND SHOULD HAVE BEEN PRESENTED TO THE NEW CASTLE COUNTY SUPERIOR COURT FOR PROPER REVIEW.

- 4.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF'S DATE OF ARREST IS 5/26/03
- 5.) DR. S. FOSTER, DO YOU ADMIT YOU AUTHORED THE D.P.C RELEASE SUMMARY DATED JUNE 25, 04.
- 6.) DR. S. FOSTER, DO YOU ADMIT THAT A CRIMINAL OFFENDERS STATE OF MIND AT THE DATE AND TIME ~~FORAMIN~~ OF THE OFFENSE HE'S BEING FORENSICLY EVALUATED FOR COMPETENCY FOR IS RELEVANT TO HIS COMPETENCY.
- 7.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF WAS INVOLUNTARILY ADMINISTERED PSYCHOTROPIC DRUGS ON 6/22/04 AT THE D.P.C.
- 8.) DR. S. FOSTER, DO YOU ADMIT THAT THE D.P.C VITAL SIGN RECORDS OF THE PLAINTIFF'S BLOOD PRESURE FOR DATES 5/21/04 AND 5/22/04 SUPPORT THE PLAINTIFFS CLAIM THAT HE WAS SICK UPON HIS 5/21/04 ARRIVAL AT THE D.P.C

- 9.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF WAS (4) POINT RESTRAINED AND INVOLUNTARILY ADMINISTERED PSYCHOTROPIC DRUGS ON 6/24/04 AT THE D.P.C
- 10.) DR. S. FOSTER, DO YOU ADMIT THAT THE REDIRECTION THE PLAINTIFF IS SAID TO HAVE REFUSED ON 6/14/04 AT OR ABOUT 1:20 AM WAS NOT TAKING PSYCHOTROPIC DRUGS.
- 11.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF WAS (4) POINT RESTRAINED AND INVOLUNTARILY ADMINISTERED PSYCHOTROPIC DRUGS ON 6/21/04 AT THE D.P.C
- 12.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF WAS PLACED ON RESTRICTION ON 5/21/04 UNTIL 5/24/04 AT THE D.P.C

- 13.) DR. S. FOSTER, DO YOU ADMIT THAT ANNABEL LEE FIELDS MAY 24, 04 TP 3 PSYCHOLOGICAL ASSESSMENT NOTES THAT THE PLAINTIFF WAS EXPERIENCING PARANOID DELUSSIONS AT OR ABOUT THE TIME OF HIS ARREST, REGARDING THE STATEMENTS REFERING TO THE POLICE THAT ARRESTED HIM, OFFICER GODWIN, OFFICER SANTANA AND THE PLAINTIFF'S MOTHER, BUT YOU MADE NO MENTION OF THESE INCIDENTS IN YOUR JUNE 10, 04 REPORT
- 14.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF TOLD THE SOCIAL WORKER FLORENCE SCOTT COBB THAT HE WAS SUPPOSE TO HAVE BEEN EVALUATED FOR COMPETENCY BEFORE HE WAS ADJUDICATED GUILTY AT TRIAL 10/21-23/2003.
- 15.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF WAS PLACED IN (4) POINT RESTRAINTS ON 6/22/04

- 16.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF'S AGGITATION WAS HIS WAY OF BEING OPPOSITIONAL TO BEING INVOLUNTARILY ADMINISTERED PSYCHOTROPIC DRUGS AT THE D.P.C BETWEEN 5/21/04 TO 6/25/04
- 17.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF WAS (4) POINT RESTRAINED AND INVOLUNTARILY ADMINISTERED PSYCHOTROPIC DRUGS. ON 6/6/04 AT THE D.P.C
- 18.) DR. S. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF WAS (4) POINT RESTRAINED AND INVOLUNTARILY ~~ADMINISTERED~~ ADMINISTERED PSYCHOTROPIC DRUGS ON 6/14/04 AT OR ABOUT 8:00 PM.
- 19.) DR. S. FOSTER, DO YOU ADMIT THAT THE RE DIRECTION THE PLAINTIFF IS SAID TO HAVE REFUSED AT OR ABOUT 1:20 PM, WAS NOT CLEANING UP HIS TRAYS 6/24/04 AT THE D.P.C

20.) DR. S. FOSTER, DO YOU ADMIT THAT D.A BRIAN J. ROBERTSON FOR MORE THAN ONE YEAR AFTER THE PLAINTIFF'S ARREST ON 5/26/03 DID NOT FILE A MOTION TO SENTENCE THE PLAINTIFF AS AN HABITUAL OFFENDER, BUT AFTER LESS THAN THREE WEEKS OF YOUR JUNE 10, 04 FORENSIC REPORT BEING FILED AND DOCKETED ON THE PLAINTIFF CRIMINAL DOCKET SHEET, D.A. BRIAN J ROBERTSON FILED MOTION TO SENTENCE THE PLAINTIFF AS AN HABITUAL OFFENDER.

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS
HEREBY CERTIFY ON THIS 22ND, DAY OF,
JAN, 2007, THAT I DID MAIL ONE TRUE
AND CORRECT COPY OF THE MOTION FOR
ADMISSIONS # 2, BY U.S. POSTAL, TO THE
FOLLOWING:

CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DELAWARE 19801

LOUIS T. RIZZO JR
1001 JEFFERSON PLAZA
SUITE 202
WILMINGTON, DELAWARE 19801

DATE: 1/22/07

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

This is the criminal record of:
JIMMY LEWIS

~~CONFIDENTIAL~~
DOB 12/25/1966 SBI # 00506622

Arresting Agency	Name (Including Aliases)	Date of Arrest/ Offense	Complaint Number/ Charge	Disposition
Wilmington PD Wilmington	JIMMY LEWIS AG CASE: NC03006555	05/26/03 05/26/03	3003049370 RESISTING ARREST	DISP=BOPC
Wilmington PD Wilmington	JIMMY LEWIS AG CASE: NC03006555	05/26/03 05/26/03	3003049370 Theft \$1000 or Greater (Deprive Person)	DISP=BOPC
Wilmington PD Wilmington	JIMMY LEWIS AG CASE: NC03006555	05/26/03 05/26/03	3003049370 CARJACKING SECOND DEGREE TAKE VEHICLE FROM ANOTHER IMMEDIATE PRESENCE	DISP=BOPC

Department of Health and Human Services
Division of Alcoholism, Drug Abuse and
Mental Health

Delaware Psychiatric Center

Department of Psychology

TP-3 - PSYCHOLOGICAL ASSESSMENT

◆◆◆ CONFIDENTIAL ◆◆◆

STATE OF DELAWARE

V.

JIMMIE LEWIS

ID NO. 0305016966

PATIENT NAME: Jimmy Lewis

EDUCATION: High School Diploma

OCCUPATION: Currently Unemployed; Most Recent: "Sanitation Porter"


MARITAL STATUS: Single


AGE: 37

GENDER: Male

DATE: May 24, 2004

INTERVIEWED BY: Annabel Lee Fields, MA


Kathryn Sheneman, Psy.D.
Staff Psychologist


Annabel Lee Fields, M.A.
Psychology Intern

REASON FOR HOSPITALIZATION:

Mr. Lewis was transferred to the Delaware Psychiatric Center (DPC) on 05/21/04 for determination of his adjudicative competency and to receive treatment for his own well-being. His current diagnosis is Alcohol Abuse. He has been charged with Carjacking Second Degree, Theft \$1000 or Greater, and Resisting Arrest.

PSYCHOLOGICAL AND MENTAL STATUS:

Attention, Orientation, and Memory

Mr. Lewis attended this interview without needing to be escorted by staff. He presents as a well-built dark-skinned male with African American features who appears younger than his stated age. His dress was neat and clean, and his hygiene appeared good - his head is clean-shaven. He was cooperative throughout the 70-minute interview. He was able to focus for the most part, although he strayed from the topic occasionally and gave more information than was asked of him. He was not sure of the name of the

facility in which the interview was conducted, but he knew it was a hospital. He knew the day of the week and the year, but not the month or date. His immediate and long-term memories appear to be intact. However, he stated that he felt that he had difficulty with his short-term memory and this was evident during the interview – he could only recall one out of three novel words after five minutes, and would repeat information he had already given (he seemed unaware that he was repeating himself).

Affect, Thought Processes

Mr. Lewis's stated mood was "confused...a little agitated." He explained that his roommate had masturbated in front of him the previous night, and that he was still feeling somewhat upset about that incident. He displayed a full range of affect, which was appropriate to the content at all times. The speed and volume of his speech were all appropriate to the situation. He rambled at times and gave more information than was asked of him. His judgment and insight appear limited at this time. His intellectual functioning seems to be average.

For the most part, Mr. Lewis's speech and thought content appeared to be logical. He expressed some strange ideas and thoughts, however. He said that he sometimes wears horns on his head because "only the devil should have to go through this," and that it makes him feel better (although he was not able to explain what it made him feel better about). He has put horns on his head since his admission to DPC. He stated that he also did this on the street, and that he "even got cat's eye contacts" to wear. While talking about this, he made a reference to "flames of enlightenment" but did not explain what that meant. He also said that he was with two guards at one time whose names were "Godwin" and "Santana." He explained that these names reminded him of "God" and "Satan," and he said that he believed there was a struggle between good and evil because these guards were with him.

Mr. Lewis reported that he has experienced auditory hallucinations in the past. He said that he hears a single male voice that he does not recognize. He hears the voice say his name, and it "commands me to do stuff" such as to yell or to hit people. Although he stated that he is able to refrain from doing what the voice tells him to do, he also admitted that he has acted on the commands in the past. He also reported that he hears music and "like footsteps in the hall but no one's there." He said that he experiences visual hallucinations that "freak me out sometimes." He stated that he sees shadows "peeking in" on him, but they are always far enough away that he needs to get up to see if anything is really there.

Mr. Lewis expressed some paranoid ideation during the interview. He said that, when he sees people whispering, he often thinks they are talking about him. He also said that he used to hear sirens in his neighborhood, and that this would trigger thoughts that people were after him. At first, he thought the police were involved, and then he gradually thought other people, including his mother, could be involved. He reported that he had (and still has) no idea why people may have been after him. He also said that he was shot by a police officer in 1989, and that he thinks that this may have led to the belief that people were after him. He does not believe that there is anyone after him at this time.

Relationships, Family Involvement

Mr. Lewis reported that his parents separated when he was two years old but never formally divorced. He lived with his mother after the separation, but visited with his father frequently until he was 12 or 13 years old. They lost contact at that time. He moved out of his mother's house in 10th grade and got an apartment with his girlfriend. When they broke up, he went to live with his father for approximately 9 months. His biological parents had another son who died of an asthma attack in 1987. Although his parents are not legally divorced, his father is in a relationship with another woman. He has one half brother from that relationship, as well as three stepbrothers and one stepsister.

Mr. Lewis seemed unsure of whether there is a history of psychiatric illness in his family. He stated that one of his maternal aunts has some bizarre behaviors, and that he has a paternal aunt who he thinks is "mentally ill." He stated that his father is a recovering alcoholic, and that several of his maternal aunts and uncles have problems with alcohol and drugs. He has phone contact with his mother fairly regularly. He says that his father does not use a telephone, but that they have written letters to each other on occasion.

Work History

Mr. Lewis stated that his most recent job was as a "sanitation porter," and that the job he had the longest (3 months) was preparing cars for new owners at a car dealership. He stated that he has been fired more than ten times. He also stated that has been trained as a carpenter, brick mason, and long-distance trucker.

Substance Abuse Issues

Mr. Lewis reported that he began using alcohol and marijuana when he was a teenager (he was unable to be more specific). He used marijuana two or three times per week, but only used it for two years. He drinks two or three times per week – usually on the weekends. He stated that he plans to continue drinking occasionally when he is released from custody.

Medical Conditions

Mr. Lewis has been told that he has hypertension and was treated with medication. Later he was told that he does not have hypertension, but the medication was continued in any event. He also suffers from athlete's foot and irritable bowel syndrome.

Attitude Towards Hospitalization, Future Plans, and Goals

When asked how he feels about being at DPC, Mr. Lewis stated, "really uncertain about that right now." When asked how he feels about his treatment thus far, he stated, "fair." He chose not to elaborate.

Mr. Lewis stated that his long-term goal is to "put the issues that keep me from obtaining stable employment so that I can get a stable start." His immediate goal is to "do research" for a book about the history and experiences of black people. He says that he has already titled it: "From the Pyramids, to the Plantations, to the Projects, to the Penitentiary, and Now to the Promised Land."

DURING THE PAST 12 MONTHS, HAS PATIENT DEMONSTRATED EITHER SUICIDAL OR ASSAULTIVE BEHAVIOR? DESCRIBE:

Mr. Lewis denies any present suicidal or homicidal ideation. He reported that he slit his wrists in 2001 due to depression and "a lot of hopelessness." This was his only suicide attempt. He said that he has never been charged with assault. However, he admits to being in three fights while in prison because he was "attacked" by others.

STRENGTHS AND WEAKNESSES AS THEY RELATE TO TREATMENT:

STRENGTHS:

- Mr. Lewis is very articulate.
- Mr. Lewis is a high school graduate.
- Mr. Lewis has been trained as a carpenter, brick mason, and long-distance trucker.
- Mr. Lewis expresses an interest in receiving help for his symptoms.

WEAKNESSES:

- Mr. Lewis has legal charges pending against him.
- Mr. Lewis has a poor work history – he has been fired at least ten times, and the longest job he had lasted only 3 months.
- Mr. Lewis seems to have poor impulse control when he feels that he is being "attacked."

RECOMMENDATIONS:

Mr. Lewis should meet with a member of the psychology staff on at least a bi-weekly basis to discuss important issues. He should attend any groups that may be offered that address the things he is working on.

WILMINGTON DEPARTMENT OF POLICE

EXHIBIT #

Detainee Assessment / Property Receipt

Detainee's Name: Lewis, Jinnie Case #: 30-03-
 Last, First Middle

Charges: Carjacking, Theft Arresting Officer: E. Godwin
 Additional Officer: J. Santana

Detainee's Physical Condition: OK ☒ Other ☐

Explain: (Body deformities/Bruises/Sutures): _____

Medication: Yes ☒ No ☐ Type: PSYCHOTROPIC
THORAZINE, DEPAKOTE, VIOGIL, RISPERDAL

Unusual Behavior:

Explain: DETAINEE STATED THOUGHTS OF SUICIDE,
TRANSFERRED TO M.P.C.J.F INFIRMARY

Detainee's Property

Seized as Evidence

Currency/Coin U.S. Currency: 7.00
 U.S. Coin: 2.26
 Total: 9.26

U.S. Currency: _____
 U.S. Coin: _____
 Total: _____

(Have detainee initial next to totals)

Clothing: BELT, WALLET WITH S.S CARD, LICENCES (NT).

Jewelry: NECKLESS WITH EGYPTION CROSS, DEVIL HORNS AND
CAT EYE CONTACT LENSES

Miscellaneous: 3 SETS OF KEYS (ONE SET VICTIMS),
PSYCH TREATMENT PLAN, AMTRAK TRAIN TICKET

[Signature]
 Officer Receiving Property

05/26/03
 Date

0621 hours
 Time

Transporting Officer [Signature] Date _____

_____ hours
 Time

I, _____, have received the above property from the Wilmington Department of Police, which was taken from me on the above date. _____ hours.

Date

Time

Department of Health and Social Services
Division of Mental Health
Delaware Psychiatric Center

Release Summary

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LEWIS, JIMMY 12 25 66
46443 148 64 1309 UNK M AF D
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTHER AREA 5
973 481 5028 05 21 04

MAY 21, 2004

Date of Admission

JUNE 25, 2004

Date of Discharge

DIRECT DISCHARGE

Disposition

IDENTIFYING DATA: This 37 year old black, divorced male was admitted to Delaware Psychiatric Center for his first admission on a court commitment on May 21, 2004.

CHIEF COMPLAINT: Patient refused to speak upon admission. He was selectively mute.

HISTORY OF PRESENT ILLNESS: Mr. Lewis had been jailed at Gander Hill for several months prior to his admission to the Mitchell Building. He had been evaluated by the prison psychiatrist and found to be, "psychotic and delusional, a danger to self and others, refusing to take medication". He had assaulted a CO and was transferred to the infirmary. Patient reported at the time, "I can't distinguish between right and wrong; I'm hearing voices telling me to hurt myself and I'm seeing shadows". He had been incarcerated on 11/17/03 for Car Jacking 2nd Degree, Theft \$1000 or Greater and Resisting Arrest.

On 5/26/03, he was picked up by a male driver who was allegedly out looking for a male companion for the evening. Mr. Lewis allegedly attempted to rob the driver, at which point the driver jumped out of the vehicle in fear and Mr. Lewis allegedly drove off with the car. Mr. Lewis allegedly resisted arrest when caught, and was identified by the driver of the car as the person who had stolen his vehicle.

The examiners at First Correctional Medical, while he was in prison, described Mr. Lewis as, "flirtatious at times, requiring redirection for asking personal questions of mental health personnel". He was confronted with his, "narcissism and attention seeking behaviors". The CO questioned the diagnosis of Schizophrenia which had been given to

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DISCHARGE SUMMARY
LEWIS, JIMMY
HOSPITAL #46443

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him by the prison doctor. Mr. Lewis refused all medications, requesting only Xanax and Valium. He also asked for art materials and pornography, stating, "that would be very helpful". The CO's described him as, "with broad mood and good eye contact with no suicidal or homicidal ideation and no alteration in perception". He was, however, argumentative and loud. He was observed wearing paper horns, saying that the horns made him feel more comfortable. "It helps me deal with what I'm going through. It's like a mask; if I deal with these things within me, I'll be a better person. I'm being unjustly accused." During his time in prison, he was calm and controlled and spoke of hearing voices but stated, "I don't know whether it's voices or just my thoughts".

PAST PSYCHIATRIC AND FAMILY HISTORY: Mr. Lewis stated that he had been seen at Crisis a few times but was never an inpatient at a psychiatric hospital. He said he went to Crisis for having hallucinations, hopeless feelings and suicidal thoughts.

He had been an outpatient as a child in New Jersey but did not know why.

ALCOHOL AND DRUG HISTORY: Mr. Lewis reported that he began drinking alcohol in his teens with his last use just prior to incarceration. He had history of blackouts, but did not elaborate. He denied heavy use. He also admitted to smoking marijuana 16 years previously but denied all other illicit drug use. It was considered probable that he was minimizing his addiction issues.

MENTAL STATUS AT TIME OF ADMISSION: The mental status was obtained four days after admission as Mr. Lewis refused to answer any questions upon admission and just sat staring at the floor. Four days after admission, his mood was stated as sensitive and easily irritated. His affect was constricted. Thought content revealed negative thoughts about himself. He stated that he felt hopeless and helpless to make himself feel any better. He said he was having both auditory and visual hallucinations but only at night when he was upset. He said that he was having current suicidal thoughts. "I was thinking about it, but I didn't really want to do it." He was not having any current violent thoughts. "I was just upset with the guy that attacked me and the CO's blamed me." He denied obsessions, compulsions, paranoid, delusions, special powers, hyperreligiosity and grandiosity. "I'm not on the defensive unless there's a reason." Thought process was normal and there was no evidence of loosening of associations, flight of ideas or tangentiality. Sensorium was alert and he was oriented in three spheres. His immediate memory was intact as he remembered 3/3 objects immediately and 2/3 objects after five minutes. He was able to spell the word "world" backwards but only got the current president. He assessed the similarities between an apple and an orange, as "you eat

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DISCHARGE SUMMARY
LEWIS, JIMMY
HOSPITAL #46443

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them". He was unable to give an answer to the glass house proverb. Insight and judgment were considered average to poor and his fund of knowledge poor. Intellectual functioning was considered average.

MEDICAL HISTORY AND PHYSICAL EXAMINATION: The patient complained of having irritable bowel syndrome and hypertension.

LABORATORY DATA AND OTHER DIAGNOSTIC EXAMS: Mr. Lewis complained of some urinary frequency during the admission and a urology consult was written. However, he was discharged before being evaluated. He was treated with Bactrim during the admission with resolution of the symptoms. However, as he had complained of these urinary tract symptoms frequently in the past, he was to undergo a urology consult which did not happen, as stated above. Mr. Lewis was treated for hypertension throughout the admission with good results.

Urinalysis revealed a 1+ protein and 1+ bilirubin. However, the urine C&S revealed no growth. The medical doctor wrote no evidence of the urinary tract infection. The CBC and differential and the comprehensive metabolic panel were completely unremarkable. The hepatic function panel and the thyroid function studies with TSH were all normal. Vitamin B12 and folate levels were normal and the RPR was nonreactive.

PROVISIONAL CLINICAL DIAGNOSIS: Axis I: Alcohol Abuse. Rule out Dependence. Rule out Depressive Disorder. Rule out Malingering. Axis II: Deferred. Axis III: Hypertension. Axis IV: Severity of Psychosocial Stressors: Legal. Axis V: Global Assessment of Functioning: Current GAF - 20. Highest Level Last Year - Unknown.

SUMMARY OF CLINICAL COURSE: Mr. Lewis was verbally unresponsive, selective mute and categorically refused to answer any questions on the day of admission. He also refused the initial physical examination. Later the same day, he was observed interacting in a normal manner on the unit. Several days later, the initial examinations were completed without problem. He eventually explained that he had not felt like speaking on the first day, and therefore simply did not.

Mr. Lewis' hospital course was complicated by his aggressive, assaultive behavior. He was overheard making physical threats and observed taunting and laughing at peers, apparently taking pleasure in embarrassing them. He was sexually inappropriate, seductive and flirtatious with certain female staff members. He complained of hearing

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DISCHARGE SUMMARY
LEWIS, JIMMY
HOSPITAL #46443

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voices sporadically but displayed no evidence of preoccupation with internal stimuli when he believed he was not being observed.

The team psychologist described Mr. Lewis in the following manner in his anger management group: arrogant, disruptive and instigating. While the other older patients tried to have a calming influence, Mr. Lewis displayed no sense of boundaries or respect for authority. The psychologist added that there was nothing odd or bizarre about his behavior that would suggest a psychotic disorder. Other therapists noted that he was disruptive in the group setting, talking out of turn and making obscene comments while watching educational videos. When evaluated by the team, he made it clear that he would rather be at DPC than in jail in order to, "get some help". When asked what help he needed or what we could do for him, he answered he didn't know.

One staff member stated that she found Mr. Lewis to be engaging, intelligent and articulate, but noted his sense of entitlement and his demands that things be done his way. Mr. Lewis stated that he needed to do "outlandish things" to get attention, such as wearing paper horns and wearing his cat's eye lenses. It was explained to him that he would not be allowed to wear his paper horns at any time while at DPC, after he had placed them on his head at one point. He understood, and did not attempt to wear them again. He was noted to attempt to intimidate one female therapist by chasing her in the hallway and stating, "I just want to get my point across that whatever you said about me in team meeting was wrong and derogatory".

On 6/7/04, a special meeting with Mr. Lewis was called to address his grossly inappropriate behavior on the unit the night before. He was angered by not receiving a certain salad at dinner to which he believed he was entitled, and assaulted a peer and a staff member, escalating to the point where he was difficult to redirect. In summary, he was noted to be disruptive in the group setting, to taunt his peers, to intimidate and flirt with therapists and to make obscene comments. There were reports to the contrary by other staff members who reported that Mr. Lewis was cooperative and helpful in the milieu, tending to get loud and demanding at times when he felt his needs were not being met in a timely fashion.

Initially, Mr. Lewis was prescribed no psychotropic medication, as there was no evidence of a mood disorder and no evidence of psychosis. However, Seroquel was begun after it became evident that Mr. Lewis had difficulty managing his anger and controlling his impulses.

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DISCHARGE SUMMARY
LEWIS, JIMMY
HOSPITAL #46443

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FINAL CLINICAL DIAGNOSIS:


AXIS I: MALINGERING. CODE NO. V65.2
ALCOHOL ABUSE. CODE NO. 305.00
HISTORY OF CONDUCT DISORDER.
AXIS II: ANTISOCIAL PERSONALITY DISORDER. CODE NO. 301.7
AXIS III: HYPERTENSION. CODE NO. 401.9
AXIS IV: SEVERITY OF PSYCHOSOCIAL STRESSORS: INCARCERATION.
AXIS V: GLOBAL ASSESSMENT OF FUNCTIONING: CURRENT GAF - 50
WITH SEVERE IMPAIRMENT IN SOCIAL AND OCCUPATIONAL
FUNCTIONING.
HIGHEST LEVEL LAST YEAR - UNKNOWN.

CONDITION ON RELEASE: Mr. Lewis displayed no evidence of psychosis, depression or mania. He was still having difficulty with limit setting and boundaries, especially with respect to the rights of others. It was felt that he had not benefited from a psychiatric admission and had not been engageable in therapies. He was having no suicidal and no homicidal ideation and no auditory or visual hallucinations. He admitted during the admission that the "voices" he had been hearing were his thoughts. Mr. Lewis was considered highly manipulative and he would stop at nothing to obtain his demands.

MEDICATION ON RELEASE: Seroquel 50 mgs q 12 hours for anger management and impulse control. Tenormin 25 mgs q a.m. for hypertension. Mr. Lewis was on a lactose intolerance diet and there were no special restrictions on his physical activity.

PROGNOSIS: Guarded to poor as Mr. Lewis was considered threatening and dangerous to others.

RELEASE NOTE AND AFTERCARE PLAN: Mr. Lewis was returned to the care of Department of Corrections with Gerry Greg as a contact person; 995-8614. Mr. Lewis needs daytime socialization activities. Anticipated problems are that he may not be compliant with clinic appointments, may encounter legal difficulties, may encounter family problems and may return to using alcohol or drugs.


Sylvia Foster, M.D.
Staff Psychiatrist

Dict. 07/26/04
Typed 07/29/04
SF/gaf

Delaware Psychiatric Ctr.
Page 1 - Psychiatric Assessment Form
Rev. 5/00

Department of Health and Social Services
Division of Substance Abuse and Mental Health
Delaware Psychiatric Center

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

some history obtained from court
order + FCN records.

PSYCHIATRIC ASSESSMENT FORM

Patient Name (Print): Jimmy Lewis

I. ADMISSION STATUS: 24 Hour / Civil Court Voluntary

II. CHIEF COMPLAINT: Refused to speak

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III. SOURCES OF INFORMATION:

Interpreter Needed? Yes / Not Needed (If yes, name of and type of interpreter)

IV. HISTORY OF PRESENT ILLNESS:

PK has been jailed at Garden Hill
for several months.
PK is a 38 y o AA male who presents to
the Mitchell Bldg by court order for the purpose
of determining competency, + to obtain tx
for his current well-being. PK was evaluated
by prison psychiatrist, Dr Dilip Joshi, on
5/27/03, as "psychotic + delusional, a danger
to self + others, refusal to take medication."
He had assaulted a CO, + was transferred to
the infirmary. PK reported, "I can't distinguish
between right + wrong. I am hearing voices telling
me to hurt myself + I'm seeing shadows."

(over)

Date: 5/21/04 Time: 11 am Print Name of Interviewer: Bulwa Foster MD

Offender Status Sheet

Date: 02/14/2005

SBI #: 00506622 Name: JIMMY LEWIS
 Location(s): HRYCI Level(s): 5 Race: BLACK DOB: 12/25/1966
 AKA:
 Offender Type: Sentenced Officer(s):

Level: 5											
Start Date: 05/26/2003			MED: 05/24/2009		STRD: 11/01/2008		ADJ: 11/01/2008		PED:		Statutory Days Earned: 204.00
CASE#	CRA#	Charge Desc	Status	Length	Start Dt	MED	STRD	Adj Date	CR	Wk	
Court	Judge	Sen. Type/ Sentence Date	Eff. Date	Y M D							
0305016966	IN03060175	CARJACKING 2ND	Current	5 0 0	05/26/2003	05/25/2008	12/09/2007	12/09/2007			
U7	Peggy L Ableman	STANDARD 02/11/2005	05/26/2003								
0305016966	IN03060176	THEFT \$1000 OR>	Current	1 0 0	05/25/2008	05/24/2009	11/01/2008	11/01/2008			
U7	Peggy L Ableman	STANDARD 02/11/2005	05/26/2003								

Special Conditions:

CRA#	Level	Code	Condition Description	Condition Comments
IN03060175	5	CRT1	Other Conditions:	To serve 5 years Level 5. ac
IN03060176	5	CRT1	Other Conditions:	To serve 2 years Level 5, suspended after 1 year for 1 year Level 4 Plummer Center, suspended after 6 months for 6 months Probation Level 3. ac

Delaware Psychiatric Center
**Seclusion or Restraint
 Nursing Assessment**

LEWIS, JIMMY 12/25/66
 46443 148-64-1309 UNK M AF U
 4 EDWIN PLACE NEWARK NJ 07112
 MELBA JEAN LEWIS MOTH AREA 5
 973-481-5028 05/21/2004

TIME INTERVENTION BEGAN: 1:00 am/pm

☐ SECLUSION ☒ ~~4 POINT RESTRAINTS~~ ~~INFORMATION~~ ☐ OTHER: _____

Patient's name: For professional use by authorized persons only -- not to be duplicated M. Lewis Date: 6/24/04

PATIENT BEHAVIOR LEADING TO INTERVENTION: (CHECK all specific behaviors that apply)

- | | | | |
|--|---|-------------------------------------|---|
| <input checked="" type="checkbox"/> Threatening harm | <input type="checkbox"/> Destruction of property | <input type="checkbox"/> Biting | <input type="checkbox"/> Hair pulling |
| <input type="checkbox"/> Imminent risk of harm to: | <input type="checkbox"/> Unprovoked aggression | <input type="checkbox"/> Hitting | <input type="checkbox"/> Spitting |
| <input type="checkbox"/> self <input checked="" type="checkbox"/> patients <input checked="" type="checkbox"/> staff | i.e., striking out without warning | <input type="checkbox"/> Kicking | <input type="checkbox"/> Throwing objects |
| specify: _____ | <input type="checkbox"/> Self-injurious behaviors | <input type="checkbox"/> Shoving | <input type="checkbox"/> Fire-setting |
| | specify: _____ | <input type="checkbox"/> Scratching | <input type="checkbox"/> Other: _____ |

☒ **EMERGENCY SITUATION** (less restrictive alternatives were not able to be attempted due to rapid escalation of immediately dangerous behavior) Explain: PT began throwing things without warning

OR

LESS RESTRICTIVE ALTERNATIVES UTILIZED: (CHECK all that were attempted relative to this immediate event)

- | | | |
|---|--|--|
| <input type="checkbox"/> Talked with the patient | <input type="checkbox"/> Set limits with the patient | <input type="checkbox"/> One-to-one observation |
| <input type="checkbox"/> Addressed patient's need | <input type="checkbox"/> Redirected the patient verbally | <input type="checkbox"/> Offered PRN medications |
| <input type="checkbox"/> Used techniques suggested by the patient | <input type="checkbox"/> Separated the patient from the area | <input type="checkbox"/> Involuntary administration of medication: |
| as noted in the Advance Directive query form | <input type="checkbox"/> Verbal contract for safety | |
| specify: _____ | <input type="checkbox"/> Voluntary quiet room/time out | <input type="checkbox"/> Other: _____ |

Physiological or psychological risk factors (Determine by reviewing H&P, Psychiatric Assessment):

- ☐ Pre-existing medical conditions ☐ Physical disabilities ☐ Hx of sexual abuse ☐ Hx of physical abuse ☒ None

Physician who gave verbal order: Cocchella
 Physician was notified of risk factors by: Cornish, C. Rm.

Patient checked for dangerous objects (i.e., belts, sharps, shoes, matches, jewelry, money, etc.):

List of objects removed (exact amt. of money): Money (\$14.80) JN MED CTR

Removed by: Shoes / William Muey Location stored: Shoe room / Muey (MED room)

BEHAVIORAL EXPECTATION FOR TERMINATION OF INTERVENTION (Copy onto S/R Record form):

- ☒ 1. Resting quietly, either sitting or lying down for 45 minutes (specify - example 5, 10, 15 etc.)
☒ 2. Patient is able to discuss/interact with staff in a calm manner.
☒ 3. Patient is calm and able to verbalize a desire for intervention to be discontinued.
☒ 4. Patient is calm and able to verbalize an understanding of behavior that led to intervention
☒ 5. Patient is calm and able to contract for safety.

Patient was informed of behavioral expectation for discontinuation of intervention by: Curtis Cornish, Rm.

Licensed Nursing Staff: Curtis L. Cornish, Rm.
 (Signature and title of individual who initiated intervention)

FAMILY NOTIFICATION

Name of family member: PT refused family notification Date: 6/24/04

Name/title of staff person: _____ Time: _____ am/pm

DATE/TIME INTERVENTION ENDED: 6/24/04 17:00 am/pm TOTAL TIME: 4 hrs 0 min.

Patient was debriefed by: Curtis L. Cornish If no, explain: _____

Licensed Nursing Staff: Curtis L. Cornish, Rm.
 (Signature and title of individual who discontinued intervention)

Unit Nursing Supervisor/Unit Director: Curtis L. Cornish Date: 6/24/04 Time: 17:00 am/pm
 (Signature indicates the above information has been reviewed and is accurate and complete)

Revised 8/27/02

Delaware Psychiatric Center

Seclusion/Restraint Patient Feedback

(Completed during debriefing of patient after the event by Licensed Nurse or Tx Team member within 24 hrs)
 (Original is attached to S/R paperwork and filed in patient's medical record;
 Copy is forwarded to Quality Administrator - Performance Improvement Department; fax 4256)

LEWIS, JIMMY 12/25/66
 46443 148-64-1309 UNK M AF 0
 4 EDWIN PLACE NEWARK NJ 07112
 MELBA JEAN LEWIS MOTH AREA 5
 973-481-5028 05/21/2004

Patient's Name: Lewis Jimmy Unit: Mitchell

Type of Intervention: ☐ Seclusion ☒ Restraint

Date of Intervention: 6/24/02

Time intervention began: 4:00 am/pm

Time intervention ended: 12:00 am/pm

Date of Interview: 6/24/02

Time of interview: 1:20 am/pm

Interviewed by: Carolyn Curtis

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 or released to other persons

00167

- Why you were secluded/restrained? I was agitated
- Were you given a chance to gain control of yourself before you were secluded or restrained? ☒ Yes ☐ No
- If yes, what did staff do for you:
 - ☐ Individual attention
 - ☐ Used calming interventions previously suggested by you: specify: _____
 - ☐ Explained that seclusion may have to be used
 - ☐ Contacted family/significant other
 - ☐ Talked with you
 - ☐ Addressed your need: _____
 - ☐ Suggested time out
 - ☐ Explained that restraints may have to be used
 - ☐ Offered medication
 - ☐ Other: _____
 - ☐ Contacted trusted staff
 - ☐ Suggested the Quiet Room
 - ☐ Suggested other things you could do: _____
- Were your personal dignity and privacy respected while you were being secluded or restrained? ☒ Yes ☐ No
- Did you feel safe while you were secluded/restrained? ☐ Yes ☒ A little ☐ No
- Did being secluded or restrained help you gain control of yourself? ☐ Yes ☒ A little ☐ No
- Did someone explain what you needed to do in order to get out of seclusion or have the restraints removed? ☒ Yes ☐ No
- What could have helped prevent you from being secluded or restrained? wanted for my mom
- Did anything happen during the seclusion/restraint that may have frightened or injured you or made you feel uncomfortable? no

Staff interviewer's signature: Carolyn Curtis

Revised 8/27/02

Date: 6/24/02

DELAWARE PSYCHIATRIC CENTER

VITAL SIGN RECORD

LEWIS, JIMMY 12/25/66
 46443 149-64-1309 UNK M AF U
 EDWIN PLACE NEWARK NJ 07112
 ALLBA JEAN LEWIS MOTHER AREA 5
 973-481-8028 05/21/2004

5'11"

DATE	TIME	B/P	TPR	WT.	INIT.	DATE	TIME	B/P	TPR	WT.	INIT.
3/21/04	10:48	140/88	98.6-78-20	244		6/10/04	7A	132/80	97.6-66-18		RL
5/21/04	5:00 P		97.5			6/11/04	7AM	138/78	98.2-74-20		PD
5/24/04	11:30 AM	158/86	95.3-81-22			6/12/04	7:30 PM	141/88	99.2-74-20		JP
5/22/04	7:00 AM	148/71	95.4-75-18		RA	6/13/04	7:00 AM	132/86	97.8-61-22		Ed
5/23/04	11:30 AM	130/80	96.3-64-19		aw	6/14/04	7AM	117/70	97-79-18		yh
5-23-04	7 AM	131/76	96.3-64-17		ALD	6-15-04	2 AM	130/70	97.6-84-18		SCD
5-23-04	11 P	132/84	97.2-71-19		AK	6-16-04	7 A	140/78	98.2-77-19		my
5/24/04	7 AM	136/83	97.7-74-18		PD	6-17-04	7 AM	126/74	97.6-64-20		me
5/25/04	0700	190/48	98-80-20		KC	6-18-04	7 A	130/78	98.7-72-18		my
5/26/04	5:5	123/75	99.6-72-20		DL	6-19-04	7 A	131/80	97.8-77-18		my
5/27/04	0700	116/76	98.8-67-18		KC	6/20/04	3-11	128/80	96.6-90-17		AK
5/28/04	7:00 AM	128/80	97.5-63-20		RA	6/21/04	7A	123/81	98.4-82-20		PB
5/29/04	7 AM	180/97	98.3-73-19		JP	6/23/04	7A	140/100	98.2-92-20		RL
"	Manual	120/92			JP	6-24-04	7 AM	139/85	95.2-77-20		JH
5/30/04		121/80	98.2-63-16		JP	6-25-04	7 AM	113/71	96.8-78-18	Last Recording	SCD
5/31/04	7 AM	122/80	97.2-80-22		JP						
6/1/04	3 PM	130/85	98.6-64-18		MB						
6/2/04	7A	131/84	98.1-65-20		DM						
6/3/04	6:00 AM	117/78	98.2-60-19		ALD						
6/4/04	3 PM	120/68	97.9-72-18		H						
6/5/04	0700	140/89	97.6-68-20		aw						
6/5/04	1400	130/84			aw						
6/6/04	3:11	135/80	98.4-65-20		DL						
6/7/04	7A	109/71	99.2-66-20		DM						
6/8/04	7AM	127/85	98.7-62-20	249	yh						
6/9/04	6:30 A	130/72	98.7-70-20								
INITIALS	SIGNATURE & TITLE		INITIALS	SIGNATURE & TITLE		INITIALS	SIGNATURE & TITLE				
RL	Eugene Diggins, M.D.		JP	Kary Mambini, M.D.		PD	David Morris				
RA	R.A. Lyons		PD	John		H	Helen Harlow, R.N.				
BARB	Banks		aw	Patricia		yh	Gloria Stading				
PR	Phaner		JP	Lorena Jones		LP	Lillian Mankin				

JSC/MSH worksheet 1-20-00

Gloria Green - E.D. Eugene Diggins, M.D.

Document Control No. 05 06 30 00 01 20

00119

DELAWARE PSYCHIATRIC CENTER
SOCIAL ASSESSMENT - PAGE 5

S. JIMMY 12/25/66
 3 148-64-1309 UNK H AF U
 OWIN PLACE NEWARK NJ 07112
 MURBA JEAN LEWIS MOTH AREA 5
 973-481-5028 05/21/2004

TREATMENT PLANNING - SOCIAL WORK SERVICES

SOCIAL EVALUATION:

Presently unable to have contact with inmate/consumer's mother. The inmate/consumer appears guarded when speaking on his life. The inmate/consumer gives superficial answers to most questions put to him. The inmate/consumer tends to think and state that his "issues and delmmas" are all the fault of others. He does however appear to come off well when he speaks of how he has been wronged (He was supposed to be adjudicated after he'd already evaluation from Jorhans per this report) by workers and the system. The inmate/consumer seems to think his adjudication process went a little backhanded.

The inmate/consumer tends to present as intelligent, articulate, calm and guarded. He can be effective in speaking and tends to be flirtatious.

Family support is questionable as two phone calls to # listed has revealed no response from inmate/consumer's mother.
 Cloverdale Scott Cobb, MSW

LEWIS, JIMMY 12/25/66
4644 E. 148-64-1304 UNK M 4F
6 EDWIN PLACE NEWARK NJ 07102
NELEA JEAN LEWIS MOTH AREA 5
0710-481-5026 05/21/2014

" Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (Or NO SUBS) is noted."

Name: _____ Facility: _____ Activity: _____ Case No.: _____

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TREATMENT or MEDICATION

DHSS - 019A

~~"PRESS HARD - (USE BALLPOINT PEN ONLY) NO FELT TIPS~~ *01/2*

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BARRICAL BECOMING BARR

STATE OF DELAWARE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DOCTOR'S ORDER SHEET

LEWIS, JIMMY 12/25/66
46443 148-64-1369 UNK B AF U
4 EDWIN PLACE NEWARK NJ 07112
HELBA JEAN LEWIS MOTH AREA 5
973-481-8028 05/21/2004

"Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (OR NO SUBS) is noted."

Name: _____ Facility: _____ Activity: _____ Case No.: _____

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
6/14/04	9:00 pm	Patient to be placed in Seclusion Room for the safety of others, not to exceed for more than 2 hrs. Patient can be released earlier when he calms down.	
		Shafiq DUREISHI, MD noted 6/14/04 @ 2100 Helen Hasen RA	
6/14/04	2300	Seclusion renewed not to exceed 2 hours. oriented, pt is calm. To Dr. Dureishi/Helen RA	
		noted 6/14/04 @ 2310 Helen RA Shafiq DUREISHI, MD	
6/15/04	am		
6/15/04	on	Continue restriction of patio, wt room,	
4:50 pm		gym + vending machine + another walk	
		Shafiq	
6/16/04	6/17/04	6/18/04	

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or released to others

STATE OF DELAWARE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

LEWIS, JIMMY 12/25/64
46443 148-64-1309 UNK B AF U
4 EDWIN PLACE NEWARK NJ 07102
HELBA JEAN LEWIS NORTH AREA 5
973-481-5028 05/21/2004

DOCTOR'S ORDER SHEET

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Name: _____ Facility: _____ Activity: _____ Case No.: _____
persons only -- not to be duplicated

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
6/19/04	5:50 PM	Repeat 1 dose of mom 30 cc PO PRN for constipation X 24 hrs	DRADHYAN, MD
6/21/04	1340	Lotrimin Cream Apply to lesion near toe BID x 2 weeks until healed Schedule PEDIATRY re: Onychomycosis	
Date/Time: 6/21/04 @ 1:49 pm.		M. Zinn	
Chart Checked By: J. Conroy		6/22/04 1 PM	
6/21/04 @ 1630		Renew restrictions X + w/b and then to be re-evaluated. IO. Dr. Foster / Dr. Harlow re noted @ 1630 - 6/21/04	Dr. Harlow re
6/21/04		Seclusion Not to exceed 2 hours Pt extremely agitated, assaultive and poses danger to others and self. Pt can be released when calm and not dangerous any more.	Dr. Zinn 76/12/1 PM
6/22/04			

DHSS - 019A

"PRESS HARD - (USE BALLPOINT PEN ONLY) NO FELT TIPS

D.C.No.:35-06-002-84-10-04-DSH-183

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STATE OF DELAWARE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DOCTOR'S ORDER SHEET

LEWIS, JIMMY
46443 148-64-1309 ONE H AF
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS BOTH AREA 5
973-481-5028 05/21/2004

" Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (Or NO SUBS) is noted."

Name: _____ Facility: _____ Activity: _____ Case No.: _____

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
6/22/04	1300	CONFIDENTIAL INFORMATION For professional use by authorized persons only - not to be duplicated or released to others.	
6/24/04	1900	no restraints for safety of self & others not to exceed 2 hrs. It can be released earlier if calm. T.O. Dr. Cocchella / madhavan Cocchella	
6/24/04	300 pm	Benzodryl 50 mg po/1m low pt. (Still pt. agitated) Renew 4 point restraint M. Cocchella, M.D.	
6/24/04	5 pm	Discharge pt on 6/25/04 back to the care of DOC.	
6/25/04		Clarification of above restraint order Staff may observe pt through two-way observation mirror due to extreme aggressive behavior T.O. Dr. Cocchella / (Cocchella)	

DHSS - 019 A

"PRESS HARD - (USE BALLPOINT PEN ONLY) NO FELT TIPS

D.C.No.:35-06-002-84-10-04-DSH-183

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DOCTOR'S ORDER SHEET

CONFIDENTIAL INFORMATION

"Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (Or NO SUBS) is noted."

Name: _____ Facility: _____ Activity: _____ Case No.: _____

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF 0
4 EDWIN PLACE NEWARK NJ 07112
HELBA JEAN LEWIS BOTH AREA 5
973-481-5022 06/21/2004
LEWIS, JIMMY

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
6/21/04	11:00pm	Please give Pt Geodon 20mg IM + Atrivan 2mg IM NOW as Pt extremely agitated assaultive situation with BEAULT MD	
6/21/04	11:00pm	Four Point restraints for extreme agitation Pt trying to knock down the door being danger to self and others. restraints not to exceed 2 hours can come off when calm with BEAULT MD	
6/21/04	11:40pm	Pt continues to be physically aggressive while combative restraints requires 5 point restraints, not to exceed 2 hours can come off when calm 6/21/04 with BEAULT MD	
6/22/04	1:05pm	Continue 4 restraints not to exceed 2 hours for safety of self & others T.O. Berika / medium Jan in with BEAULT MD	
6/22	6/23		

DHSS - 019 A

"PRESS HARD - (USE BALLPOINT PEN ONLY) NO FELT TIPS

D.C.No.:35-06-002-84-10-04-DSH-183

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MEDICAL RECORDS ONLY

STATE OF DE. NARE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

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DOCTOR'S ORDER SHEET

"Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (or NO SUBS) is noted."

Name: Jimmy LewisFacility: Mitchell

Activity: _____

Case No.: _____

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
5/22/04	1535	Clarification of order written for Atenolol 25mg PO daily and hold if systolic B/P is 90 or below. T.O. Dr. Handell/M. Wilson	LPN M. Wilson Noted @ 1535
5/23/04	12:13	Dietician for preference of food Apply lotrisone in between toes daily x 30 days H ₂ (for Athlete's foot)	Noted
5/25/04	1415	may use fixodent on partial plate bed pan vs Dr. Sheth to Syracuse. See Dr. Sheth	noted @ 1415 5-25-04
5/25/04	3 pm	Zenadryl 50 up PO q HS PRN. Usamma x 30 days	Usamma
5/25/04	3:45 pm	Beal Effexor XR 37.5 up PO q am x 5 days Then Effexor 75 up PO q am x 5 days Then Effexor 150 up PO q am x 30 days	Sheth
5/25/04		Sheth	

DHSS - 019.0

"PRESS HARD - (USE BALLPOINT PEN ONLY) NO FELT TIPS

D.C.No.:35-06-002-84-10-04-DSH-183

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STATE OF DELAWARE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

46447 148 04-1309 UNK H 1P
3 11N PLACE NEWARK NJ 07102
MELBA JEAN LEWIS HALL 107A
073-481-5028 05/21/2004

DOCTOR'S ORDER SHEET

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"Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (Or NO SUBS) is noted."

Name: persons only -- not to be duplicated Activity: _____ Case No.: _____
or released to others

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
5/26/04	noon	Give first dose of Effexa x n when available today Sulfatostemul m 2nd 5/26/04 10m	
5/27/04	5/28/04		
5/28/04	11:57	Penicillin 2 midstream clean urine & 3 catch urine Push fluids x 3 day RLK 5/28/04 13p	
5/29/04		5/29/04 5/30/04 6-14	
6/1/04	9:30am	DL Effexa - pr refusing Sulfatostemul	
6/2/04	aw		
6/2/04	1040	Pyridium 200mg po BID Bactrim DS 1/2 pr BID x 5 day	
6/2/04	1050	Add in hi diet - chf salad / fruit BID + 8 pm nourishment & cheese Cantaloupe, bananas x 30 day	

DHSS-019A

PRESS HARD - (USE BALLPOINT PEN ONLY) NO FELT TIPS

D.C.No.:35-06-002-10-01-051-187

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DOCTOR'S ORDER SHEET

LEWIS, JIMMY 12/25/86
46443 148-64-1309 UNK H AF 0
4 EDWIN PLACE NEWARK NJ 07112
HELOA JEAN LEWIS BOTH AREA 5
973-481-5028 05/21/2004

"Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (or NO SUBS) is noted."

Name: For professional use Facility authorized Activity: persons only - not to be dispensed Case No.:

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
6/3/04	3:15 pm	DL PRN Haldol, Benadryl - ativan	
		<i>[Signature]</i>	
		noted 6/3/04 @ 1530 Haldol PRN	
6/4/04	12:35	Benadryl 50mg PO PRN x one time for	
		for Insomnia	
AS	2:00	Evaluation by unit psychiatrist on 6/4/04	
		AS Error SALEM, MD	
6/4/04	9 am		
6/4/04	9 am	Benadryl 50 mg PO q 6 ⁰ PRN	
		ativan / insomnia x 30 days	
		<i>[Signature]</i>	
6/4/04	9 am	Urology consult to evaluate	
		for possible recurrent Urthritis	
		<i>[Signature]</i>	
6/4/04	9:37	Can participate in Gym &	
		with room activities	
6/5/04		6/6/04	

DHSS-018A

"PRESS HARD - (USE BALLPOINT PEN ONLY) NO FELT TIPS

D.C.No.: 35-06-002-84-10-04-DSH-183

WHITE - Medical Records ALL OTHERS - Return To Pharmacy

00066

973-481-5028

Hospital No. _____

Patient's Name

973-481-5028

~~05/21/2004~~

Hospital No. _____

DATE	TIME
------	------

TIME

OBSERVATION, ACTION, OR POSSIBLE SOLUTION

Central

Pt began to observe members. He was wise to follow command. I resisted & oppositional behavior. Pt stated he was agitated because he did not get his mail. Worker explained that all packages are opened by the prison in view of the Secretary. he was more resistant to this and this note. It received from 4 points (1700). Continued to smoke Orendo.

01/15/016³⁸ PK. Rested well & incident this shift.
no behavioral problems noted. Will monitor
be closely. McGinnis

1/100
42504

SECRET

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NURSING DISCHARGE PROGRESS NOTE:

- The time of discharge: 10:44 AM
 • Vital Signs within eight hours of discharge: 113/71 - 96° - 78 - 18
 • Date and result of last PPD: 5/3/74 Doc
 • Medication education completed within 24 hours of discharge: Y (N)
 • Pt took all personal belongings: (N)
 • Nursing Portion of Discharge Plan Sheet completed (Y) / N
 • Where pt is going, with whom, and how: Patient returned to prison

Nla DCC transport

2. A brief narrative of the pt's mental status: Patient was resented to having for handover to DOC guards. Pt calm & cooperative
Lawrence J.

LEWIS, JIMMI 12/20/00
46443 148-64-1
4 EDWIN PLACE 1, ARK NJ 07112

Patient's Name MELBA JEAN LEWIS, BOTH AREA 5
973-481-5028 05/21/2004

Hospital No.

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DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/24/04	11:45 pm	continued - at 11 pm. will monitor pt closely and document any changes.
6/24/04	1:30 pm	DD No to point pt was placed on 4 restraints. Because of disruptive, aggressive, threatening, overruling staff. Pt. was placed on 4 point restraints for his safety and other's safety. Mental status: pt. said he is upset. He denied any injury. He said sometimes lost @ Att. He does not understand why he did that. Pt. seems to be angry. Alert. Plan: pt. will receive Bardon 1 so we can keep pt sedated / downy to decrease possibility to hurt himself or others. He already got PRN meds 12 hours ago. Bardon 2mg + Ativan 2mg + Bardon 1 50 mg. He will have 2 Chorro now m. Accutol, R. @ or. restraints - Quarantine
6/24/04	1:30	Pt. always, not lying in Seclusion from 6 4 point restraints. It is Seclusion removed due to continued agitation @ 2 pm. Pt. refusing to answer questions & taking no answer to his request. What Pt. gives added and of Bardon 1 50 mg @ onset of Seclusion order. Pt. was not to stay in Seclusion for safety of other & the restraints were downgraded to two & then two to increase compliance

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES

(Continued)

LEWIS, JIMMY

12/25/66

46443 148-64-1309 UNK M AF U

4 EDWIN PLACE NEWARK NJ 07112

MELBA JEAN LEWIS MOTH AREA 5

973-481-5028

05/21/2004

OBSERVATION, ACTION, OR POSSIBLE SOLUTION

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/23/04	1535	PT wrote a grievance against a female NA, stating that p snobs - she passed by making detrimental comments re: his sexual preferences, etc. At time this occurred, RA was passing meds from med cart just inside door of unit. NA entered unit and walked past the pt who were lined up awaiting their meds - walked to NA desk & comment to anyone and went to desk. Hester RA
6/23/04	6:15PM	PT was re-directed from peering into another patient's door window and became verbally abusive towards staff asking "if they where trying to create a scene and if they wanted him to start focusing on him." Lance D. Sagera N.A.
6/24/04	1:20P	PT was in the dining room @ his table during lunch MR Lewis threw his lunch tray against the wall and was ask by staff to pick up his tray, there was no response MR Lewis then reached over and grabbed another pt's tray and threw it against the wall and stated "I want my fucking mail". The attempted to re-direct MR Lewis to clean up his trays and he refuse redirection. J. S. S. S.
6/24/04	1:42PM	PT's level of agitation escalating rapidly. Verbal intervention ineffective in redirect his behavior. Per Ativan 2mg Im, Serenol 50mg Im, Warden 20mg Im given to help gain control of his behavior. Pt continues to be agitated. OD called & 40 restraints order obtained & placed. pt. 40 restraints in place.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY 12/25/66
148-64-1309 UNK M AF U
EDWIN PLACE NEWARK NJ 07112
JEAN LEWIS MOTH AREA 5
1-5028 05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/22/04	2430	Pt became Tantrum assessment of OD to continue seclusion because he would not contract for safety. Pt kicking & banging door - OD determined that he would require 4 pt restraints. Supervisor called to request assistance due to explosive behavior. Pt placed in 4 pt restraints @ 11:03 PM & given PRN (IM). — Delia Harlowe
6/22/04	1 ¹⁰ AM	Pt remains in 4 restraints due to agitation. O.D. called & renewed order for 4 restraints not to exceed 2 hrs. will monitor pt closely. — m-jan
6/22/04	2 ³⁰ PM	Pt is calm & quiet & arm & left leg restraint removed. — m-jan
6/22/04	3 ⁰⁰ PM	Pt ^{error} cont no restraints D/L'd at this time. Pt contracted for safety & returned to bedroom. will monitor pt. closely. — m-jan
6/22/04	3 ³⁰ PM	Pt restless with 5 further behavioral problems. will monitor pt. closely. — m-jan
6/22/04	6 ⁰⁰ PM	Pt AEOB, maintained as routine observed denies any A/V hallucinations or suicidal ideation. At approx 430 PM Rose Pres reported to unit that Pt was crying to a "bitch" as he walked by water along with Pt. Having 1.5 gals time with Pt. He reported that he did not say anything during time. Rose pres Pt did report crying. water informed Pt that he should not be crying at all. Pt agreed to stop. Therapist intervened effective @ this time. (Brenda)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/21/64	1350	<p>MEDICAL NOTES:</p> <p>Pt says he was restrained about 2 weeks ago & the said guard accidentally jessed on his neck area & since then he had been feeling "d'fputty mallowing" - no SOB, @ vomiting, @ heartburn, @ chest pains, @ cough. Pt says he eats all types of food.</p> <p>CONFIDENTIAL ambulatory, @ vision 128/80 - 96.6° - 90-12 For professional use by authorized personnel only - not to be duplicated @ neck swelling, tired tenderness, @ tracheal deformity, @ tracheal shift @ pharyngeal mass, @ pharyngeal erythema font exam: (+) erythematous rash @ fissures under soes @ font</p> <p>A 1. No evidence of tracheal injury; @ pharyngeal obstruction</p> <p>2. Tinea pedis P = Lotrimin cream</p>
6/21/64	8:30 pm	<p>Pt. stated earlier because he lost his privileges he was going to punch somebody out. Pt. also stated "Steff can suck my dick." - Susana Haver NA</p>
6/21/04	2110	<p>Pt. had stretch peers - (R) jaw - also (L) rib area which has small abrasion. Pt. requested to walk to quiet room which he did - pacing rapidly around rm - PRN of geodon 10mg - benexol 100mg - ativan 1mg PO given @ 2030. Agitation apparent so seclusion was initiated - pt. emptied pockets of papers & money - coated & marked "8.25" sealed & locked in med rm. shoes removed, clean shirt given & door relocked. (Havley)</p>

LEWIS, JIMMI 12/25/66
46443 148-64-1 PROGRESS NOTES (Continued)
4 EDWIN PLACE JARK NJ 07112

Patient's Name MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

Hospital No.

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/21/04	8:00pm	OD Note Mr. Lewis reportedly hit another on the ^(R) Right and then ^(L) Left side of jaw. env.
6/21/04	9:20pm	OD Note Mr. Lewis hit another pt on lower jaw on both sides. He needed PRN Meds and was secluded for extreme agitation. On interview pt was calm, explained his behavior as a response to another pt stealing his cassette tape. He refused to apologize and stated he had no regret to hit the chief. Pt can be released from seclusion as per calm and no danger to others.
6/21/04	11:00	Psych OD Note Pt became agitated when evaluated for confirmation of seclusion, started forcefully banging the door and cursing. Pt was rapidly escalating becoming increasingly dangerous to self and others. Pt was given Geodon 20mg IM & Ativan 2mg IM and remained in 4 point restraint. After ^{NO} a. ———— SUE FORKES ———— BERNARD
6/21/04	11:15pm	Pt was in 4 Pt Restraints. Pt Broke Restraints to (L) Hand. While attempting to remove (R) hand Pt struck warden in the mouth. 4 PT Restraints Reapplied. ———— KAL/SALEH

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
HELBA JEAN LEWIS MOTH AREA 5
05/21/2004

PROGRESS NOTES

(Continued)

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DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/15/07	5 pm	<p>Addendum - Psychiatric PT c/o receiving PRN, when he's not "psychiatric" I explained that we give PRN medication that include Haldol, Geodon, Benadryl + others to patients who are escalating, becoming more & more aggressive - argumentative & combinatorial in order to keep help that pt calm down. I reminded him that I had explained the use of the PRN medication to protect the other pt and the staff from a violent pt, & that he would only receive a PRN if his behavior warranted it - that is - if he were escalating to the point of requiring all verbal redirection & all other less restrictive means of calming him down. He's been continued to c/o having received a PRN med over the last few days when he didn't need it & we reiterated that it was the RN's decision at the time that he did use it for the protection and safety of the milieu. No c/o side effect to Seroquel plac - Continue to give PRN medication if necessary.</p> <p>- Stuart M.D. 6/30/07</p> <p>CP has no further medical complaints Stuart</p>

00082

PROGRESS NOTES

46443 148-64-1309 UNK H AF U

4 EDWIN PLACE PROGRESS NOTES (Cont 3d)

MELBA JEAN LEWIS MOTH AREA 5

Patient's Name 973-481-5028

05/21/2004

Hospital No.

CONFIDENTIAL INFORMATION
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DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
5/14/04	2310	Pt approached @ 2300 to determine if he was able to contract for safety to D/C seclusion - pt awake and refusing to speak to staff. OD called to renew seclusion. - <i>Donlon</i>
5/15/04	2330	Pt was able to contract for safety @ 2305 & was taken out of seclusion, exit interview completed, will continue to monitor pt's behavior. <i>Kenja Wilson</i>
6/15/04	0105	Pt rested quietly in bed, & aggressive behavior towards staff or other pts. <i>Kenja Wilson</i>
6/15/04	7:15am	CD Note (late entry) Patient was released from seclusion at 11:15 pm last night after he contracted for safety.
6/15/04	4:30pm	<i>Shakti</i> <i>Director, MP</i> Pt seen to discuss the aggressive, violent behavior he has been displaying over the last several days; he has been oppositional, aggressive & defiant since admission. Pt stated he was mistreated by staff and he basically had no took no responsibility for any of it. He was told that the NA had a report to investigate the situation of some money that disappeared that was later found. He had been told to come in of the park & he refused to do it. Pt was angry because he said he had been told that his privilege of truck had been prolonged without his knowledge. Pt went on on, arguing, oppositional. Pt took no responsibility for his actions & refused denied all the issues involved. <i>Shakti</i> Plan - instructions to continue for 1 week from 4/21/04 day

00083

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
HELBA JEAN LEWIS MOTH AREA 5
973-461-5028
12/25/66
05/21/2004

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DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/14/04	6:20	Relater well 3 further behavioral problems will monitor pt closely.
6/14/04	9:05 PM	Pt non-compliance to staff, threatening staff aggressive, very abusive verbally, agitated, threw a elbow @ staff R. Gray
6/14/04	2:25	
6/14/04	9:30 PM	DD Note: Patient had been agitated and aggressive since evening. He was cursing, yelling and threatening staff members. He was tried earlier to verbally calm him down. He was actually angry this evening because he is not allowed to eat anything from vending machine. His privileges were taken away slowly because he doesn't follow direction and any routine unit activities. Therefore, when he was told that patient could not have a candy bar, he lost control and started to fight physically with staff members who also threatened to 'get the staff'. He was separated, given prn medication of Geodon 20mg po, 2mg of Ativan and 50 mg of Benadryl. He had to be secluded because he continued to hit and kick the walls & staff. Seclusion was started at 9:00 pm not to exceed for more than 2 hrs. He may be released earlier if he calms down.
6/14/04	2:30	Still agitated, DRUGS, NO Pt remains in seclusion - upon approach @ 2:30 pt awake, lying on side facing away from the door - door opened and inquired how he was feeling - glanced over his shoulder & refused to speak to staff. Seclusion continues. Doctor on call Dr. Satter contacted & aware of above. - H. Satter

LEWIS, JIMMY PROGRESS NOTES (Continued)

46443 148-64 309 UNK N AF U

4 EDWIN PLACE NEWARK NJ 07112

MELBA JEAN LEWIS MOTH AREA 5

973-101-5428

Hospital No:

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 included in chart

DATE

TIME

OBSERVATION, ACTION, OR POSSIBLE SOLUTION

6/13/04 1:15 PM

patients and staff. This was reported to D. Lawrence, RN and pt. was given a PRN.

6/13/04 2:00 PM

Patient became disruptive in the unit due to his cursers over being asked to leave the bathroom and clear hall in order for 2:1 patient to have access. Pt began cursing & refused to follow unit routine. Patient was asked if he needed a prn to help him calm down, pt replied yes! PRN Medication was given. Pt cont. to refuse to go to the dayhall. Others pt went to pt roomed on the unit & a staff present. —————

6/14/04 12:30 AM

During the changing of shift Pt. (Jimmy Lewis) was told to close the laundry room door. Pt then began to threaten the staff and getting aggressive. Pt was told to calm down and relax. —————

6/14/04 1:00 AM

pt. became extremely agitated for no apparent reasons. Pt level of agitation escalating rapidly. Verbal interventions ineffective in redirecting his behavior. Pt. resistant to staff and not willing to take oral meds. Nursing supervisor called for extra help due to pt's unpredictable behavior. Pt. continues to be agitated and not willing to take per meds even after much encouragement. Pt. had to be physically escorted to a.b. & per meds given. Pt. remained in a.b. for 5 mins and returned to his bedroom. Pt. resting quietly at present time. Will monitor pt closely. —————

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES

(Continued)

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LEWIS, JIMMY
46443 148-64-1309 UNK H AF U
4 EDWIN PLACE NEWARK NJ 07112
HELBA JEAN LEWIS MOTH. AREA 5
973-481-5028
12/25/66
05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/11/04	2140	Pt requested a copy of his medication and side-effects. I told the Pt as soon as I am finished with the meds I will write out the meds - Serenol 50mg and the side-effects the Pt waited until I had our pt left to give meds since he received his meds first in line he yelled from the end of the hallway repeating over and over again about the meds and side effects. At the medication line I explained what the meds are why he is taking it and side effects. Pt stated he wanted it written out on a piece of paper. I wrote the medication out on a piece of paper with side effects and attempted to give it to the pt when he bluntly refused it in front of our attendant and the nurse in charge. Margaret Wilson

6/13/04 1:15 pm Nsg Note: Pt. became verbally abusive and agitated cursing @ staff and refusing to comply with rules and procedures for day hall and unit. Pt. refused to go to day hall which caused the rest of patients to stay on unit and he disrupted the unit with arguing and threatening others.

LEWIS, JIMMI

12/23/00

45443 148-64-1309 UNK M AF U

4 EDWIN PLA

PROGRESS NOTES (Cont)

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MELBA JEAN LEWIS NORTH AREA 5

Patient's Name 973-481-5028

05/21/2004

Hospital No.

For professional use by authorized persons only -- not to be duplicated or referred to others

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/6/04	6:30 PM	<p>OO note -</p> <p>Patient was agitated and hit another patient on the head and when he was separated he also hit the staff on the face. on evaluator. he stated that he did not get his salad and he was upset about that. He was given Haldol 5 in and Benadryl 25 in and when he continued to be agitated he was put in 4 point restraints for safety of self and others. He had intense eye contact speech loud. He appeared alert. He denied ABH. He denied SR or violent ideations. He will be taken off restraints when he calms down.</p> <p>Stated SANDHU, MD</p> <p>Addendum</p> <p>His Paho, Pool play, visit and snack 9:00 will be restricted as advised by Dr. Porter until evaluated by treatment team.</p>
6/6/04	Nr 8P	<p>Stated SANDHU, MD</p> <p>At home agitated over salad in the DR. He began shouting his fear as (his fear responded verbally) The staff remained firm after Mr. Lewis refused to be restrained. He then upon returning to unit struck fear in (2) side of face (compromised) and started posturing on staff. He also threatened other aids. He was placed in restraints for refusing to continue and threatening staff & posturing on staff.</p>

00093

DEPARTMENT OF HEALTH SOCIAL SERVICES
DIVISION OF ALCOHOLISM, DRUG ABUSE AND MENTAL HEALTH
NEWARK PSYCHIATRIC CENTER

PROGRESS NOTES

LEWIS, JIMMY 12/25/66
#6443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

Jimmy Lewis

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
5-21-04	1030	Next of Kin: refuses to speak Address: Telephone:
		Admitted to: M. Stalder <input checked="" type="checkbox"/> Oriented to Ward <input checked="" type="checkbox"/> Given Patient Handbook
		Height: Ft: 5 In: 11 Weight: Lbs.: 244 Eye Color: brown Hair Color: black T. 98.6 °F. P. 98 /min. R. 20 /min. B.P. 140/98
		Behavioral Observations: Pt refuses to speak/answer questions. Pt sitting on exam table playing/touching his hands and looking down at the floor. Pt's eyes are red bloodshot, appears to be sad. Dianne Sewell
5/21/04	11am	Prickly Full eval on chart
5/21/04	1400	Medical Note I was called to see this NEW Adm. because of HTN & also for Payment Exam. I introduced myself as a medical doctor that will do his Physical Exam. but he refused to sit down or even do or take his BP, upset because he was on his feet waiting & was disturbed to be brought here for Exam. The nurse staff & I tried to convince him that it will take me 15-20 minutes to examine him but would be brought to a room. In room done today. Try next time [initials]

STATE OF DELAWARE
 DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DOCTOR'S ORDER SHEET

"Authorization is given to dispense a Generic Equivalent under Hospital Formulary System unless NO SUBSTITUTION (Or NO SUBS) is noted."

Name: _____ Facility: _____ Activity: _____ Case No.: _____

DATE ORDERED	TIME	TREATMENT or MEDICATION	NOTED BY
6/2/04	11:00pm	Pleasant give Pt Geodon 20mg IM + Ativan 2mg IM NOW as Pt extremely agitated, assaultive situation with BEK MD	
6/2/04	11:00pm	Four Point restraints for extreme agitation Pt trying to knock down the door being danger to self and others restraints not to exceed 2 hours can come off when calm with BEK MD	
6/2/04	11:40pm	Pt continues to be physically aggressive while combative reassessment requires 5 point restraints, not to exceed 2 hours can come off when calm with BEK MD	
6/2/04	1:05am	Continue 4 point restraints not to exceed 2 hours for safety of self & others T.O. Berika / medium jail with BEK MD	
6/2/04	4/23/04		

LEWIS, JIMMIE
 4 EDWIN PLACE MARK NJ 07112
 Patient's Name MELBA JEAN LEWIS NOTE AREA 5
 973-481-5628 05/21/2004 Hospital No.

DATE TIME OBSERVATION, ACTION, OR POSSIBLE SOLUTION

12/1/04 9:00pm OP Note
 Mr. Lewis reportedly hit another on the ⁽¹³⁾ left and then ⁽¹⁵⁾ right side of jaw. err.
 12/1/04 9:20pm OP Note

Mr. Lewis hit another pt on lower jaw, on both sides. He needed PRN Meds and was secluded for extreme agitation. On interview pt was calm, explained his behavior as a response to another pt stealing his cassette tape. He refused to apologize and stated he had no regrets to hit the chief. Pt can be released from seclusion when calm and no danger to others.

12/1/04 11:00 Psych OP Note
 Pt became agitated when evaluated for confirmation of seclusion started forcefully banging the door and cursing. Pt was rapidly escalating becoming increasingly dangerous to self and others. Pt was given Geodon 20mg IM C Advair 2mg IM and remained in 4 point restraint. After ^{NO} a. ———— SWA Foster B.F.H.K.R.I.B.

12/1/04 11:15pm Pt was in 4 Pt Restraints. Pt Broke Restraints to (1) Hand. While attempting to remove (1) hand Pt struck window in the mouth. 4 PT Restraints Reapplied. ———— Wally Japke

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028
12/25/66
05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
4/22/04	2430	Pt became Tanquy p assessment of OD to continue seclusion because he would not contract for safety. Pt kicking & banging door - OD determined that he would require 4 pt restraints supervision called to request assistance due to explosive behavior. Pt placed in 4 pt restraints @ 11:05 PM & given PRA (FM). — Deled Havelock
4/22/04	1 ¹⁵ AM	Pt. remains in 4 restraints due to agitation. O.D. called & renewed order for 4 restraints not to exceed 2 hrs. will monitor pt. closely. — m. j. d. n. d.
4/22/04	2 ³⁰ PM	Pt. is calm & quiet R arm & left leg restraint removed. — m. j. d. n. d.
4/22/04	3 ⁰⁰ PM	Pt. out ^{error} no restraints D.I.D. at this time. Pt. contacted for safety & returned to bedroom. will monitor pt. closely. — m. j. d. n. d.
4/22/04	3 ³⁰ PM	Pt. reacted with 5 further behavioral problems. will monitor pt. closely. — m. j. d. n. d.
4/22/04	6 ¹⁰ PM	Pt. AEOB, maintained as routine observation. During A/V horticulture at dinner (dinner) at approx 4:30 PM Rose Area reported to unit that it was going to a "bitch" as he worked by water along with it. However, L. Seger time with pt. he reported that he did not say anything about having no more. Pt did react during water returned at that he stand at the evening at the Pt agrees to stop. Transferred to the unit. Please @ the unit. Brennan

4 EDWIN PLACE, PARK NJ 07112
 Patient's Name MELBA JEAN LEWIS BIRTH AREA 5
 973-481-5028 05/21/2004

Hospital No.

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/21/04	8:00pm	OP Note Mr. Lewis reportedly hit another on the ^(left) left and then ^(right) right side of jaw. err.
6/21/04	9:20pm	OP Note Mr. Lewis hit another pt on lower jaw, on both sides. He needed PRN Meds and was secluded for extreme aggression. On interview, pt was calm, explained the behavior as a response to another pt stealing his cassette tape. He refused to apologize and stated he had no regret to hit the chief. Pt can be released from seclusion when calm and no danger to others.
6/21/04	11:02	Psych OP Note Pt became agitated when evaluated for continuation of seclusion, started forcefully banging the door and cursing. Pt was rapidly escalating becoming increasingly dangerous to self and others. Pt was given Geonon 20mg IM c Advair 2mg IM and restrained in 4 point restraints. After ^{no} a. SUA Poles BERRAND
6/21/04	11:15pm	Pt was in 4 Pt Restraints. Pt Broke Restraints to (L) Hand. While attempting to remove (R) hand Pt struck window in the mouth. 4 Pt Restraints Reapplied. Ward Japtk

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/21/04	1300	<p>MEDICAL NOTES:</p> <p>Pt says he was restrained about 2 weeks ago the said guard accidentally jammed on his neck area & since then he had been feeling "difficultly swallowing" - no SOB, ⊖ vomit, ⊖ heartburn, ⊖ chest pain, ⊖ cough. Pt says he eat all types of food,</p> <p>P.E. ambulatory, ⊖ disres, 178/80 - 96.6° - 90-12</p> <p>⊖ neck swelling, ⊖ neck tenderness,</p> <p>⊖ neck deformity, ⊖ tracheal shift</p> <p>⊖ pharyngeal mass, ⊖ pharyngeal erythema</p> <p>foot exam: (H) erythematous rash & fissures under toes (R) foot</p> <p>A 1. No evidence of tracheal injury; ⊖ pharyngeal obstruction</p> <p>2. Tinea pedis</p> <p>P = Lotrimin cream</p>
6/21/04	8:30pm	<p>Pt stated earlier because he lost his privileges he was going to punch somebody out. Pt. also stated "Steff can suck my dick." - Susana Haver NA</p>
6/21/04	2110	<p>Pt had stretch peers - (R) jaw - also (L) rib area which has small abrasions. Pt requested to walk to quiet room which he did - pacing rapidly around rm. - PRN of quoniam 2mg - benadryl 50mg - alprazolam 1mg given @ 2030. Agitation apparent so seclusion was initiated - pt. emptied pockets of papers & money - counted & marked \$8.25 sealed & locked in med rm. shoes removed, clean shirt given & door locked. (Haver) R</p>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK H AF U
4 EDWIN PLACE NEWARK NJ 07112
HELENA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/22/04	3:30	Pt. became Tanquy p assessment of OD to continue seclusion because he would not contract for safety. Pt kicking & banging door - OD determined that he would require 4 pt Restraints Supervisor called to request assistance due to explosive behavior. Pt placed in 4 pt restraints @ 11:03 PM & given PRN (IM). — Delel Harlowe
6/22/04	1:15 PM	Pt. remains in 4 restraints due to agitation. O.D. called & renewed order for 4 restraints not to exceed 2 hrs. will monitor pt. closely. — m. j. n. d.
6/22/04	2:30	Pt. is calm & quiet & arm & left leg restraint removed. — m. j. n. d.
6/22/04	3:00 PM	Pt. in ^{error} no restraints D/L'd at this time. Pt. contracted for safety & returned to bedroom. will monitor pt. closely. — m. j. n. d.
6/22/04	3:30 PM	Pt. was agitated with a further escalation of problems. will monitor pt. closely. — m. j. n. d.
6/22/04	6:10 PM	Pt. Agitated, manifested as (active observation) denying any A/V hallucinations or suicidal ideation. At approx 4:30 PM Rose Pres reported to nurse that Pt was coming to a 'bitch' as he worked. By water along with H, Hammad, L. Sayer took water pt, he reported that he did not say anything during time. Hammad pres. Pt did report during water returned Pt that he stated he was coming to the Pt agreed to stop transient interaction. — m. j. n. d.

PROGRESS NOTES

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

Lewis, Jimmy

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/23/04	Cont	<i>Social Service note (Cont. Weekly)</i> <i>We may be taking ground work for</i> <i>another manic episode to be</i> <i>acted out in the near future.</i> <i>Florida Scott Cobb, MD</i>
6/24/04	5pm	<i>Preliminary Discharge Note</i> <i>Client renewed since we last saw him 6/15/04</i> <i>(out on vacation). Mr Lewis has been hostile,</i> <i>uncooperative, assaultive + resistant to verbal redirection.</i> <i>There has been no evidence of psychosis, depression</i> <i>or mania. Mr Lewis has difficulty in setting</i> <i>boundaries, especially respecting the rights of</i> <i>others. He has not benefited from a psychiatric</i> <i>admission. He carries the dx of Major Depressive and</i> <i>Alcohol Abuse, Antisocial Personality, D.I.D. &</i> <i>Hypersexual. His Attempts to engage Mr Lewis</i> <i>in therapies have not been successful. No split</i> <i>out. Mr Lewis has no AD during the admission</i> <i>but his attempt to agree on protocols have been</i> <i>judged to be manipulated by the team. However,</i> <i>any threat to harm himself or others should be</i> <i>taken seriously as Mr Lewis is highly manipulative</i> <i>& will stop at nothing to obtain his demands.</i> <i>Plan - Discharge or back to the care of DDC</i> <i>on 6/25/04.</i> <i>Stuart</i>

00137

Patient's Name

4 EDWIN P. JEWARK NJ 07112
 MELBA JEAN JEWARK NJ 07112
 973-481-1111

Hospital No.

DATE

TIME

OBSERVATION, ACTION, OR POSSIBLE SOLUTION

6/13/04 1:45 PM Conf. patients and staff. This was reported to D. Lawrence, RN and pt was given a PRN. P. Gies.

6/13/04 2:20 PM Patient became disruptive on the unit due to his cuffs over being asked to leave the ballroom and clean hall in order for 2:1 patient to have access. Pt began cursing & refused to follow unit routine. Patient was asked if he needed a pen to help him calm down, pt replied yes! Pen & Odont Atron was given. Pt cont. to refuse to go to the day hall. Others pt went & pt remained on the unit & a staff present. Lawrence RN

6/14/04 12:30 AM During to changing of shift Pt. (Jimmie Lewis) was told to close the laundry room door. Pt then began to threaten the staff and getting aggressive. Pt was told to calm down and relax. ~~was of staff~~ ~~Cham & Ode~~

6/14/04 1:10 PM Pt. became extremely agitated for no apparent reasons. Pt level of agitation escalated rapidly. Verbal interventions ineffective in redirecting his behavior. Pt. resistant ~~to~~ ~~not~~ and not willing to take oral meds. Nursing supervisor called for extra help due to pt's unpredictable ~~behavior~~ ^{and} behavior. Pt. continues to be agitated and ^{not} willing to take per meds even after much encouragement. Pt. had to be physically escorted to a/c & per meds given. Pt. remained in a/c for 5 min. and returned to his bed room. Pt. resting quietly at present time. Will monitor pt closely. m j m

Patient's Name EDWIN PLACE AREA 5 Hospital No. 721/2008

DATE TIME OBSERVATION, ACTION, OR POSSIBLE SOLUTION

Continued Pt began to shoves incident. He was told to follow commands & resistive & oppositional behavior. Pt stated he was agitated because he did not get his mail. Worker explained that all packages are open by the patient in view of the security. he was told resistant to try not to get into it. Pt release from 4 units @ 1700. Came to nurse Cre 20

07/25/07 Pt. stated well & incident this shift. no behavioral problems noted. Will monitor bc. closely. McGinnis

1/1/07
1/25/07
1/25/07

NURSING DISCHARGE PROGRESS NOTE:

- The time of discharge: 10:44 AM
- Vital Signs within eight hours of discharge: 113/71 - 96° - 78 - 18
- Date and result of last PPD: 5/3/04 Doc
- Medication education completed within 24 hours of discharge: Y (N)
- Pt took all personal belongings: Y (N)
- Nursing Portion of Discharge Fact Sheet completed: (Y) / N
- Where pt is going, with whom, and how: Patient returned to prison

N/A Doc transport

- A brief narrative of the pt's mental status: Patient was escorted to hallway for handover to DOC guards. Pt calm & cooperative. Lawrence

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY
46443 148-64-1309 UNK H AF U
4 EDWIN PLACE NEWARK NJ 07112
NELBA JEAN LEWIS MOTH AREA 5
973-481-5028
12/25/66
05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/14/04	6:45 PM	Rester will 3 further behavioral problems will monitor for upsets.
6/14/04	9:05 PM	Pt non-compliance to staff, threatening staff, aggressive, very abusive verbally, agitated, threw a elbow @ staff R. Gray
6/14/04	2:25	
6/14/04	9:30 PM	AD Note. Patient had been agitated and aggressive since evening. He was cursing, yelling and threatening staff members. He was tried earlier to verbally calm him down. He was actually angry this evening because he is not allowed to eat anything from vending machine. His privileges were taken away slowly because he doesn't follow direction and any routine unit activities. Therefore, when he was told that patient couldn't have a candy bar, he lost control and started to fight physically with staff members who and also threatened to 'get the staff'. He was separated, given prn medication of Geodon 2mg, 2mg of Ativan, and 80 mg of Benadryl. He had to be secluded because he continued to hit and kick the walls & staff. Seclusion was started at 9:00 pm not to exceed for more than 2 hrs. He may be released earlier if he calms down. S. H. J. DRECH, MD
6/14/04	2:30	Pt remains in seclusion - upon approach @ 2:30 stomach, lying on side facing away from the door - door opened and inquired how he was feeling - glanced over his shoulder & refused to speak to staff. Seclusion continues. H. H. J. DRECH, MD Dr. D. J. J. DRECH, MD

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
DELAWARE PSYCHIATRIC CENTER

PROGRESS NOTES
(Continued)

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

DATE	TIME	OBSERVATION, ACTION, OR POSSIBLE SOLUTION
6/23/04	1535	Pt wrote a grievance against a female NA, stating that p snacks - she passed by making detrimental comments re: his sexual preferences, etc. At time this occurred, Rd was passing meds from med cart just inside door of unit. NA entered unit and walked past the pt who were lined up awaiting their meds - walked to NA desk & comment to anyone and went to desk. Hesterlow Rd
6/23/04	6:15 PM	At was re-directed from peering into another patient's door window and became verbally abusive towards staff asking "if they were trying to create a scene and if they wanted him to start focusing on him." Lance & Rogers N.A.
6/24/04	1:20 P	Pt was in the dining room @ his table during lunch MR Lewis threw his lunch tray against the wall and was ask by staff to pick up his tray, there was no response MR Lewis then reached over and grabbed another pt's tray and threw it against the wall and stated "I want my fucking mail". The attempted to re-direct MR Lewis to clean up his trays and he refuse redirection. James R. Ruel
6/24/04	1:40 PM	Pt's level of agitation escalating rapidly. Verbal intervention ineffective in redirecting his behavior. Per Ativan 2mg IM. Risperdal 50mg IM, Clobazam 20mg IM given to help pt regain control of his behavior. Pt continues to be agitated. OD called @ 40 restraints ordered. Strained & placed @ 40 restraints in room.

DEPARTMENT OF HEALTH
DIVISION OF ALCOHOLISM DRUG
DELAWARE PSYCHIATRIC CENTER

COMMUNICATION RESTRICTION CHECKLIST

LEWIS, JIMMY 12/25/66
46443 148-64-1309 UNK M AF U
4 EDWIN PLACE NEWARK NJ 07112
MELBA JEAN LEWIS MOTH AREA 5
973-481-5028 05/21/2004

RESTRICTION TYPE: Phone Mail Visits

PATIENT INCLUDED IN DECISION: yes no

FAMILY NOTIFICATION GIVEN: yes no

ADDRESSED ON Tx PLAN: yes no

DOCTOR'S ORDER DATED: 6/8/04

ORDERING PHYSICIAN (please print): Sultra Boskimo

DESCRIPTION OF
RESTRICTION:

Pt will be restricted from visit for 1 week

JUSTIFICATION:

Pt has been aggressive; he assaulted a peer.

WEEKLY TREATMENT TEAM EVALUATION

Date	Effective?		CONTINUED JUSTIFICATION & PHYSICIAN'S SIGNATURE	Continue	
	yes	no		yes	no
6/15/04		✓	Pt continues aggressive, oppositional + argumentative	✓	
6/21/04		✓	Pt. remains aggressive, oppositional cursing & threatening staff		
			For professional use by authorized persons only -- not to be duplicated or released to others.		

Communication Checklist (April 97).....Delaware Psychiatric Center
Place behind Matser Treatment Plan

00045

EXHIBIT J, P. 1

43

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR THE COUNTY OF NEW CASTLE

STATE OF DELAWARE

v.

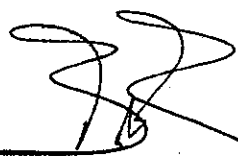
JIMMY LEWIS

I.D. No. 0305016966

NOTICE OF MOTION

TO: John S. Edinger, Esquire
Office of the Public Defender
820 North French Street
Wilmington, DE 19801

PLEASE TAKE NOTICE that the within Motion to Declare Jimmy Lewis
an Habitual Offender is being filed with the Court, and will be heard at the time of sentencing.



Brian J. Robertson
Deputy Attorney General
Department of Justice
820 N. French Street, 7th Floor
Wilmington, DE 19801

DATE: July 15, 2004

FILED
PROTHONOTARY
2004 JUL 19 PM 12:29

SUPERIOR COURT CRIMINAL DOCKET
(as of 10/30/2006)

Page 5

State of Delaware v. JIMMY LEWIS
 State's Atty: BRIAN J ROBERTSON , Esq.
 Defense Atty: JOHN S EDINGER , Esq.

DOB: 12/25/1966

AKA:

No.	Event Date	Event	Judge
37	05/13/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: DONALD NAPOLIN, MENTAL HEALTH SUPERVISOR AND ORDER REQUESTING DEFENDANT BE TRANSFERED TO MITCHELL BUILDING GRANTED BY JUDGE TOLIVER ON 5-13-04	
38	05/14/2004	DEFENDANT'S LETTER FILED. LETTER REGARDING NAMES AND PLACE EMPLOYMENT OF BAILIFF'S WHO PROVIDED COURT ON 10/21 10/23 FOR A WRIT OF MANDAMUS TO BE FILED. *SEE FULL LETTER IN FILE.	
40	06/16/2004	LETTER FROM DIANNE STACHOWSKI TO JUDGE TOLIVER, REQUESTING DEFT BE TRANSFERED BACK TO DOC.	
39	06/28/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: SYLVIA FOSTER MD COPY SENT TO ATTORNEY AND JUDGE TOLIVER	
41	06/29/2004	LETTER FROM DIANNE STACHOWSKI TO JUDGE TOLIVER REQUESTING DEFENDANT BE TRANSFERRED BACK TO DOC.	
42	07/06/2004	LETTER FROM COMMISSIONER WHITE TO COUNSEL GIVING THEM 10 DAYS TO REQUEST A COMPETENCY HEARING AND INFORMING OF THE SENTENCING DATE OF 8-27-04 AT 9:30 WITH JUDGE TOLIVER.	
43	07/19/2004	MOTION TO DECLARE DEFENDANT AN HABITUAL OFFENDER FILED. BY BRIAN J ROBERTSON,DAG MOTION PUT IN FILE TO BE HEARD AT SENTENCING	
44	07/26/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. COPY RECEIVED FROM DEFENDANT LEWIS SEALED BY ORDER OF SUPERIOR COURT	
45	08/02/2004	CONTINUANCE REQUEST FILED BY J EDINGER - GRANTED PER JUDGE ABLEMAN (SENTENCING)	
46	08/09/2004	MOTION TO DISMISS COUNSEL FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
47	08/17/2004	MOTION FOR COMPETENCY HEARING FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
48	08/17/2004	MOTION FOR DISCOVERY FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
49	08/20/2004	ABLEMAN PEGGY L.	

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JIMMY LEWIS,)	
)	
Defendant-Below,)	
Appellant)	
)	
v.)	No. 64, 2005
)	
STATE OF DELAWARE,)	
)	
Plaintiff-Below,)	
Appellee)	

STATE'S RESPONSE TO
APPELLANT'S RULE 26(c) BRIEF

The State of Delaware submits the following in response to the appellant's Rule 26(c) brief:

1. In June 2003, a New Castle County Grand Jury indicted the defendant on charges of carjacking, felony theft and resisting arrest. (A1). He was tried on these charges before a Superior Court jury in October 2003. (A2). The State's case at trial consisted primarily of the testimony of the victim, Patrick Geer. (A16-24). On May 26, 2003, shortly after midnight, Geer was driving in the area of 4th, 5th and West Streets in Wilmington looking for a certain individual to pick up for male companionship. Unsuccessful, he found himself stopped at the intersection of 4th and King Streets when a man standing on the corner asked if he could get in. This, as it turned out, was the defendant, Jimmy Lewis. Geer refused. Lewis got in anyway and asked for a ride "up the hill." (A19). Nervous, Geer decided to comply, made a U-turn and drove toward Meeting House Hill. As they drove up 4th Street, Lewis demanded money. Geer offered him some change he had in his ash tray, but Lewis pointed to a bulge

10. The defendant's primary complaints on appeal deal with his supposed mental illness, e.g., that Superior Court did not continue his trial to have him psychiatrically evaluated nor did the court take into account his mental illness in imposing sentence, among other things. On the morning of trial, the defendant claimed that he had forgotten to take his medication and was having a psychotic episode, which included hearing voices. (Tr. 10/21/03 at 15). The trial judge then questioned defense counsel regarding the defendant's mental status. Counsel replied that he had met with the defendant five times before trial and an investigator once at an initial interview and that the defendant had never reported a history of mental problems. (*Id.* at 16-17). The court nevertheless asked counsel to determine whether the defendant was, in fact, on medication. Following the luncheon recess, defense counsel reported that the defendant had refused to sign a waiver of confidentiality and, so, counsel was unable to comply with the court's request. (*Id.* at 20). The court then questioned the defendant directly regarding his mental state. The defendant could only say that he was taking "[m]edicine for the voices" given him by the "[d]octor at the jail." (*Id.* at 21-22). The defendant then agreed to sign the waiver. While awaiting information on the defendant's mental condition from the prison, the court ordered the trial to proceed, stating that if the information from the prison warranted it, she would declare a mistrial. (*Id.* at 24-25). Trial then proceeded. At the close of the State's case but

before the defendant testified, defense counsel told the court he had not yet received official medical records from the prison but had learned through public defender staff that the defendant had been prescribed two medications (one of which he refused to take) and had originally been placed in the "mental health pod" but was now in the general population. There had been no definitive diagnosis of mental illness. (Tr. 10/22/03 at 41-43). The court then ordered the trial to proceed.

11. Following the defendant's conviction, but before sentencing, the court ordered the defendant transferred to the Delaware Psychiatric Center for evaluation. (Super. Ct. dkt. no. 26). A report from the Center, submitted by forensic psychiatrist Sylvia Foster, was filed with the court on June 28, 2004. (Super. Ct. dkt. no. 39). Dr. Foster's primary diagnosis was malingering, defined by Dr. Foster as "the intentional production of false or grossly exaggerated physical or psychological symptoms, motivated by external incentives such as getting out of prison into a psychiatric unit." Report at 6. In light of this diagnosis, the defendant's present complaints, centered on his supposed mental illness, may be rejected out of hand.

12. Of the defendant's remaining complaints, some (e.g., prison guards manhandled him in an elevator) have nothing to do with his conviction or sentence and are more properly the subject of a civil action. And others (e.g., a prison guard stood by the witness stand while he testified) have no record basis.

SUPERIOR COURT
OF THE
STATE OF DELAWARE

PEGGY L. ABLEMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 NORTH KING STREET, SUITE 10400
WILMINGTON, DELAWARE 19801-3733
TELEPHONE (302) 255-0660

February 28, 2005

Brian J. Robertson, Esquire
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801

Mr. Jimmie Lewis
SBI# 506622
H.R.Y.C.I.
P.O. Box 9561
Wilmington, DE 19809

RE: *State v. Lewis*
I.D. No. 0305016966

Dear Mr. Robertson and Mr. Lewis:

The Court has received and considered Defendant Jimmie Lewis' Motion for a New Trial pursuant to Superior Court Criminal Rule 33, filed on February 17, 2005. For the following reasons, the Motion is **DENIED**.

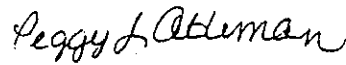
In this Motion, Lewis argues that he was incompetent to stand trial due to mental illness, and also that the State unlawfully withheld evidence during the trial. Lewis' competency was the subject of substantial debate during pre-trial motions, during the trial itself, and during sentencing. The Court accepts the voluminous evidence that Lewis was competent to stand trial, most notably, reports from the Delaware Psychiatric Center that his main problem is that he is narcissistic, violent, and abusive, and that his attempts to blame these traits on psychiatric illness represent malingering, i.e. faking. Lewis offers no grounds to revisit that determination, and I will not do so here.

Lewis also makes various evidentiary claims. Without exception, these claims are trivialities that were adequately explored, and had little relevance to and no effect on the outcome of the trial. Nothing in this Motion necessitates the grant of a new trial.

Brian J. Robertson, Esquire
Mr. Jimmie Lewis
February 28, 2005
Page 2

For these reasons, Defendant's Motion for a New Trial is **DENIED**.

Yours very truly,



Peggy L. Ableman

PLA:ad
cc: Prothonotary

[Handwritten signature]

the requisite intention

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